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Fax: 513 492-4319  
jgroppe@luxotticaretail.com

January 9, 2015

**Via Certified Mail**

Greenbrier Strip Plaza Warehouse  
ATTN: Owner/Manager  
2925 Headland Drive  
East Point, GA 30344

**Re: Counterfeiting at Greenbrier Strip Plaza Warehouse**

Dear Sir/Madam:

I am litigation counsel for Luxottica Group, S.p.A. ("Luxottica"), owner of the Ray-Ban and Oakley family of trademarks and all associated intellectual property rights. This letter gives you formal notice that tenants at the Greenbrier Strip Plaza Warehouse ("Greenbrier"), located at the address listed above, which you operate and/or own, are trafficking in counterfeit merchandise by using, selling, storing and warehousing counterfeit merchandise bearing the federally registered Ray-Ban and Oakley trademarks. Specifically, on December 18, 2014, law enforcement personnel conducted a search warrant at Greenbrier and seized in excess of 1,500 counterfeit Ray-Ban and Oakley products that were being sold by tenants/vendors at Greenbrier.

As you may know, the Trademark Counterfeiting Act of 1984 (the "Lanham Act") specifically prohibits the distribution and sale, including offering for sale, of counterfeit merchandise and makes such activity punishable by a fine of up to \$250,000. In addition, Luxottica can institute a civil action for trademark counterfeiting, trademark infringement and unfair competition seeking permanent injunctive relief and an award of treble damages for willful infringement, counsel fees and costs (15 U.S.C. § 1051 et seq). Under the Lanham Act, courts have held that landlords may be liable for trademark violations of their tenants if they knew or had reason to know that the trafficking of counterfeit goods was taking place. Furthermore, courts have held that willful blindness by the landlord would support a finding of liability. See Hard Rock Licensing Corp. v. Concession Services, Inc., 955 F.2d 1143 (7<sup>th</sup> Cir. 1992), Fonovisa v. Cherry Auction, Inc., No.94-15717 (9<sup>th</sup> Cir., Jan. 25, 1996), Polo Ralph Lauren Corporation et al. v. Wen Hao Tang, et al., 855 F.Supp.648 (S.D.N.Y., 1994).

Thus, if you facilitate the continuation of the aforementioned conduct by failing to prevent the ongoing criminal enterprise on your property, Luxottica intends to hold you responsible for all damages and fees incurred as a result. You, as the owner and/or operator of the premises, are responsible for the illegal use of your premises if you know that such activities are taking place. As you now have knowledge, Luxottica intends to hold you responsible for damages if you fail to take appropriate action at this location.

Luxottica is very serious about protecting its valuable intellectual property rights and trusts that you will comply with this notice and take all necessary steps to do so. To assist you in policing your flea

4000 Luxottica Place, Mason, Ohio 45040

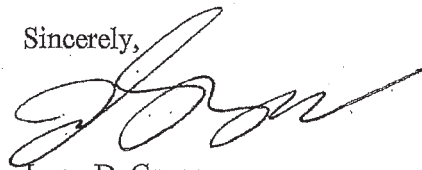
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market and identifying counterfeit goods, I have enclosed a list of all federally registered Ray-Ban and Oakley trademarks. If, while policing your property, you see a product bearing one or more of these marks, or a mark substantially indistinguishable from a registered mark, it is a counterfeit product. Luxottica does not offer its merchandise for sale through individuals, street vendors, unauthorized retail locations, or flea markets.

In addition to ending the illegal operations being conducted at Greenbrier, please submit the following information to me by no later than January 19, 2015: 1) what efforts you will undertake to end the illegal counterfeiting activity at Greenbrier; 2) a list of the names and contact information for all vendors doing business at Greenbrier; and 3) all agreements between Greenbrier and its vendors, including all lease agreements.





If you have any questions regarding this matter, please feel free to contact me at (513) 765-4319 or by email at [jgroppe@luxotticaretail.com](mailto:jgroppe@luxotticaretail.com).


Sincerely,

A handwritten signature in black ink, appearing to read 'J. Groppe', written over a horizontal line.


Jason D. Groppe  
Counsel, Litigation




CC: Kimberly S. Swindall, 3137 St. Ives Country Club Pkwy, Duluth, GA 30097-2001



Registration Number	Trademark	Good and Services
650,499		FOR: SUNGLASSES, SHOOTING GLASSES, AND OPHTHALMIC LENSES, IN CLASS 26.
1,080,886	<b>RAY-BAN</b>	FOR: OPHTHALMIC PRODUCTS AND ACCESSORIES – NAMELY, SUNGLASSES; EYEBGLASSES; SPECTACLES; LENSES AND FRAMES FOR SUNGLASSES, EYEBGLASSES, SPETACLES – IN CLASS 9.
1,093.658		FOR: OPHTHALMIC PRODUCTS AND ACCESSORIES – NAMELY, SUNGLASSES; EYEBGLASSES; SPECTACLES; LENSES AND FRAMES FOR SUNGLASSES, EYEBGLASSES, SPECTACLES AND GOGGLES; AND CASES AND OTHER PROTECTIVE COVERS FOR SUNGLASSES, EYEBGLASSES, SPECTACLES – IN CLASS 9.
1,320,460		FOR: SUNGLASSES AND CARRYING CASES THEREFOR, IN CLASS 9.
1,490,305	<b>RAY-BAN</b>	FOR: CLOTHING, NAMELY, TSHIRTS, IN CLASS 25.
1,726,955		FOR: FOR: BAGS; NAMELY, TOTE, DUFFLE AND ALL PURPOSE SPORTS BAGS, IN CLASS 18. FOR: CLOTHS FOR CLEANING OPHTHALMIC PRODUCTS, IN CLASS 21. FOR: CLOTHING AND HEADGEAR; NAMELY, HATS, IN CLASS 25.
2,718,485	<b>RAY-BAN</b>	FOR: GOODS MADE OF LEATHER AND IMITATION LEATHER, NAMELY, WALLETS, CARD CASES FOR BUSINESS CARDS, CALLING CARDS, NAME CARDS AND CREDIT CARDS, IN CLASS 18. FOR: CLOTHING FOR MEN AND WOMEN, NAMELY, POLO SHIRTS; HEADGEAR, NAMELY, BERETS AND CAPS.

3,522,603		FOR: SUNGLASSES, EYEGLASSES, LENSES FOR EYEGLASSES, EYEGLASSES FRAMES, CASES FOR EYEGLASSES, IN CLASS 9.
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<u>Registration No.</u>	<u>Mark</u>	<u>Classes</u>	<u>Date of Registration</u>	<u>Image</u>
1,519,823	OAKLEY	18 Athletic bags.	January 10, 1989	OAKLEY
1,521,599	OAKLEY	9 Sunglasses and accessories for sunglasses, namely, replacement lenses, ear stems and nose pieces.	January 24, 1989	OAKLEY
1,522,692	OAKLEY	25 Clothing, namely, shirts and hats.	January 31, 1989	OAKLEY
1,552,583	OAKLEY	9 Goggles.	August 22, 1989	OAKLEY
2,293,046	OAKLEY	25 Clothing, headwear and footwear and footwear, namely, sport shirts, jerseys, shirts, jackets, vests, sweatshirts, pullovers, coats, ski pants, headwear, caps, shoes, athletic footwear, all purpose sports footwear and socks.	November 16, 1999	OAKLEY
2,409,789	OAKLEY	14 Jewelry and time pieces, namely, watches.	December 5, 2000	OAKLEY
3,153,943	OAKLEY	9 Prescription eyewear, namely, sunglasses and spectacles; eyewear containing electronics devices, namely, protective eyewear, eyeglasses, sunglasses and spectacles; electronics, namely portable digital electronic devices for recording, organizing, and reviewing text, data and audio files; computer software for use in recording, organizing, and reviewing text, data and audio files on portable digital electronic devices; transmitters, receivers, speakers and parts thereof for use with cellular,	October 10, 2006	OAKLEY



		wireless computer and telephone communication systems; communication devices for use on eyewear, namely earpieces, transmitters, receivers, speakers and parts thereof for use with cellular, wireless computer and telephone communication systems; wearable audio visual display, namely, protective eyewear, eyeglasses, sunglasses and spectacles containing an audio visual display; wireless telecommunications modules.		
3,771,517	OAKLEY	35 Retail store services and on-line retail store services featuring eyewear, replacement lenses, eyewear nosepiece kits, clothing, headwear, footwear, watches, decals, electronics devices, posters, athletic bags, handbags, backpacks and luggage.	April 6, 2010	OAKLEY
1,908,414	OAKLEY stylized	16 Printed material, namely decals and stickers.	August 1, 1995	





1,980,039	OAKLEY stylized	9, 25 Protective and/or anti-glare eyewear, namely sunglasses, goggles, spectacles and their parts and accessories, namely replacement lenses, earstems, frames, nose pieces and foam strips; cases specially adapted for protective and/or anti-glare eyewear and their parts and accessories clothing, headwear and footwear, namely T-shirts, sweatshirts, blouses, sweaters, sport shirts, jerseys, shorts, trousers, pants, sweatpants, ski pants, racing pants, jeans, coats, vests, jackets, swimwear, hats, visors, caps, gloves, belts, socks, sandals and shoes.	June 11, 1996	
1,356,297	OAKLEY stylized	9, 25 Goggles, sunglasses, protective pads for elbows, feet and knees. Clothing - namely t-shirts; gloves; racing pants; hats; sweatshirts; sport shirts, jackets, jeans, jerseys and ski pants, jackets, hats, gloves and socks.	August 27, 1985	
1,519,596	OAKLEY stylized	9 Sunglasses and accessories for sunglasses, namely, replacement lenses, ear stems and nose pieces.	January 10, 1989	





3,143,623	OAKLEY stylized	<p>9, 25 Protective eyewear, namely spectacles, prescription eyewear, anti glare glasses and sunglasses and their parts and accessories, namely replacement lenses, frames, earstems, and nose pieces; cases specially adapted for spectacles and sunglasses and their parts and accessories</p> <p>Clothing, namely, t-shirts, beach-wear, blouses, sports shirts, jerseys, swimwear, swim trunks, shorts, underwear, shirts, pants, racing pants, ski and snowboard pants and jackets, jeans, vests, jackets, wetsuits, sweaters, pullovers, coats, sweatpants, headwear, namely, hats, caps, visors and footwear, namely wetsuit booties, shoes, sandals, athletic footwear, all purpose sports footwear, thongs and boots.</p>	September 12, 2006	
1,902,660	OAKLEY and design	16 Printed material, namely decals and stickers.	July 4, 1995	




1,990,262	OAKLEY and design	9, 25 Protective and/or anti-glare eyewear, namely sunglasses, goggles, spectacles and their parts and accessories, namely replacement lenses, earstems, frames, nose pieces and foam strips; cases specially adapted for protective and/or anti-glare eyewear and their parts and accessories clothing, headwear and footwear, namely T-shirts, sweatshirts, blouses, sweaters, sport shirts, jerseys, sweatpants, ski pants, racing pants, jeans, coats, vests, jackets, hats, visors, caps	July 30, 1996	
3,496,633	O	25 clothing, namely, t-shirts, beach-wear, blouses, sports shirts, jerseys, swimwear, swimtrunks, shorts, underwear, shirts, pants, racing pants, ski and snowboard pants and jackets, jeans, vests, jackets, wetsuits, sweaters, pullovers, coats, sweatpants, headwear, namely, hats, caps, visors and footwear, namely, wetsuit booties, shoes, sandals, athletic footwear, all purpose sports footwear, thongs and boots.	September 2, 2008	
2,301,660	O	14 Jewelry and time pieces, namely, watches	December 21, 1999	

3,331,124	O	9, 25 Protective eyewear, namely spectacles, prescription eyewear, anti glare glasses and sunglasses and their parts and accessories, namely replacement lenses, frames, earstems, and nose pieces; cases specially adapted for spectacles and sunglasses and their parts and accessories; and protective clothing, namely, racing pants; Clothing, namely, t-shirts, beach-wear, blouses, sports shirts, jerseys, swimwear, swimtrunks, shorts, underwear, shirts, pants, ski and snowboard pants and jackets, jeans, vests, jackets, wetsuits, sweaters, pullovers, coats, sweatpants, headwear, namely, hats, caps, visors and footwear, namely wetsuit booties, shoes, sandals, athletic footwear, all purpose sports footwear, thongs and boots	November 6, 2007	
3,151,994	O	9 Protective eyewear, namely spectacles, prescription eyewear, anti glare glasses and sunglasses and their parts and accessories, namely replacement lenses, frames, earstems, and nose pieces; cases specially adapted for spectacles and sunglasses and their parts and accessories	October 03, 2006	

3,771,516	O	35 Retail store services and on-line retail store services featuring eyewear, replacement lenses, eyewear nosepiece kits, clothing, headwear, footwear, watches, decals, electronics devices, posters, athletic bags, handbags, backpacks and luggage	April 6, 2010	
3,785,868	O	9 Protective eyewear, namely, spectacles, prescription eyewear, anti glare glasses and sunglasses and their parts and accessories, namely, replacement lenses, frames, earstems, and nose pieces; cases specially adapted for spectacles and sunglasses and their parts and accessories	May 4, 2010	
2,300,245	O	25 clothing, namely, T-shirts, beachwear, blouses, sports shirts, jerseys, shorts, shirts, pants, racing pants, ski pants, vests, jackets, sweaters, pullovers, coats, sweatpants, sweatshirts, headwear, namely, hats, caps, and footwear, namely, shoes, athletic footwear, all purpose sports footwear	December 14, 1999	
2,207,455	O	18 luggage, duffle bags, athletic bags, luggage bags with rollers, wrist mounted carryall bags, tote bags, all purpose sports bags, knapsacks and backpacks	December 1, 1998	

2,209,416	O	9, 25 Protective and/or anti-glare eyewear, namely, goggles, and their parts and accessories, namely, cases specially adapted for protective and/or anti-glare eyewear and their parts and accessories; clothing, headwear and footwear, namely, T-shirts, hats, shorts, shirts, pants, jackets, sweatshirts, shoes, and pullovers		
1,927,106	O	16 printed material, namely decals and stickers	October 17, 1995	
1,984,501	O	9, 25 protective and/or anti-glare eyewear, namely sunglasses, goggles, spectacles and their parts and accessories, namely replacement lenses, earstems, frames, nose pieces and foam strips; cases specially adapted for protective and/or anti-glare eyewear and their parts and accessories; clothing and headwear, namely T-shirts, sweatshirts, jackets, hats, and caps	July 2, 1996	
1,904,181	O	9 protective and/or anti-glare eyewear, namely sunglasses, goggles and their parts and accessories, namely replacement lenses, earstems, frames, nose pieces and foam strips, cases specially adapted for protective and/or anti-glare eyewear and their parts and accessories	July 11, 1995	

3,693,071	O	18 Traveling bags and backpacks	October 6, 2009	
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